



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
www.danbury-ct.gov

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MEETING NOTICE

Who: City Council members

When: **7:30 P.M. – Monday, March 21, 2022**

Where: City Council Chambers
3rd Fl, City Hall, 155 Deer Hill Avenue

Purpose: **Special Meeting of the City Council**

**A copy of the Agenda is available online and in the Legislative Assistant's Office.*

Notices: Mayor's Office
Town Clerk
Information Board
City Website Calendar



CITY OF DANBURY

OFFICE OF THE MAYOR
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DEAN ESPOSITO
MAYOR

(203) 797-4511
FAX (203) 796-1666
d.esposito@danbury-ct.gov

March 16, 2022

Honorable City Council
155 Deer Hill Avenue
Danbury, CT 06810

To All City Council Members:

A Special Meeting of the City Council will be held on **Monday, March 21, 2022 at 7:30pm**, in City Hall Council Chambers.

Attached is the Agenda for this meeting.

Sincerely,

Dean E. Esposito
Mayor

SPECIAL CITY COUNCIL MEETING

March 21, 2022

The meeting will be called to order at 7:30 P.M.

PLEDGE OF ALLEGIANCE & PRAYER

ROLL CALL

Buzaid, Cavo, Eriquez, Knapp, Levy, DiGilio, Rotello, Visconti, Esposito, Halas, Esposito III, Fox, Masi, Palma, Henry, Britton, Santos, Perkins, Chianese, Cammisa and Molinaro

_____ **PRESENT** _____ **ABSENT**

NOTICE OF THE SPECIAL MEETING – There will be a Special Meeting of the City Council on Monday, March 21, 2022 at 7:30 P.M. in the Council Chambers in City Hall to act on the items below.

PUBLIC SPEAKING

AGENDA

1. **ORDINANCE** – Amended Bond Issuance / Ordinance Adoption - Danbury Career Academy
-

There being no further business to come before the City Council a motion was made at _____ P.M. by _____ for the meeting to be adjourned.



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March 17, 2022

The Honorable City Council
155 Deer Hill Avenue
Danbury, CT 06810

RE: Revised Schools Bond and Appropriation Ordinance

Dear Council,

Attached, please find the proposed ordinance, which authorizes project borrowing for construction and property purchase for our Danbury Career Academy Secondary School concept and associated Schools improvements, updates, and renovation.

Please note that this ordinance replaces the prior (two) ordinance submittals to seamlessly combine the project works into one bond and one Question for the electors and voters at the time and date they will vote on the Question.

Kindly refer the ordinance and associated documents to a public hearing and Committee of the Whole. We anticipate the noticed date will be March 28, 2022 and a proposed return to the Council for the April Council meeting.

Please also refer the proposal to the Planning Commission for an 8-24 Report.

Thank you for your support of this endeavor for our students.

Sincerely,

A handwritten signature in black ink, reading "Dean Esposito". The signature is written in a cursive style with a large, stylized "D" and "E".

Dean E. Esposito
Mayor



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

A.D. 2022

Be it ordained by the City Council of the City of Danbury:

AN ORDINANCE APPROPRIATING \$207,900,000 FOR THE PLANNING, DESIGN, ACQUISITION, RENOVATION, CONSTRUCTION, EQUIPPING AND FURNISHING OF A NEW DANBURY CAREER ACADEMY SECONDARY SCHOOL; VARIOUS UPGRADES AND IMPROVEMENTS AT DANBURY HIGH SCHOOL, HAYESTOWN AVENUE ELEMENTARY SCHOOL, AND KING STREET PRIMARY SCHOOL; AND CREATING IMPROVED CLASSROOM SPACE TO ACCOMMODATE DISTRICTWIDE OVERCROWDING AND AUTHORIZING THE ISSUANCE OF \$207,900,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$207,900,000 (\$6,600,000 of which shall be transferred from the SNAPP 2020 School Ordinance and \$1,400,000 of which shall be transferred from the Danbury Career Academy Ordinance (which included a \$2,400,000 transferred allocation from the SNAPP 2020 School Ordinance), as more particularly set forth in Sections 2(a)-(b), respectively, below) is appropriated for the planning, design, acquisition, renovation, construction, equipping and furnishing of the following projects set forth below (collectively, the "Projects"), said appropriation to be inclusive of any and all Federal and State grants-in-aid thereof:

<u>Project</u>	<u>Estimated Amount</u>
(A) a new Danbury Career Academy Secondary School within the City of Danbury, Connecticut (the "City"), including but not limited to: (i) the purchase and/or acquisition of a 270,000 +/- square foot commercial building and approximate 24 acre site located at 40 Apple Ridge Road in the City, the driveway known as Apple Ridge Road and an approximate 6.4 acre site-proximate parcel and identified as Assessor Lot No. E-17097 in the City; (ii) renovations, improvements, and retrofitting the existing space for public school educational uses; (iii) the planning, design, acquisition, renovation, construction, equipping and furnishing of said commercial building for public school educational purposes, including but not limited to the installation and/or improvements of utilities, HVAC, mechanical, plumbing, electrical, data, technology, life safety and security, communication systems and other infrastructure improvements; (iv) the planning, design, renovation, construction, equipping and furnishing improvements for various public school educational uses, including without limitation, relocation of the City Board of Education central office, administrative office space, dining hall, gymnasium, infrastructure improvements, security upgrades, reconstruction	\$164,000,000

and improvement of parking areas, sidewalks, driveways and access roads, landscaping, athletic fields, earthwork, site work, playgrounds and play areas and acquisition of furniture, fixtures and equipment; (v) environmental studies, remediation and removal and related abatement of hazardous materials; and the related engineering, architect, permitting, advisory, technical support services, construction administration services, and governmental fees and expenses and printing, legal and financing costs related thereto.

(B) Various school updates, renovation and improvement projects to schools within the City, including but not limited to: (i) the performance of Danbury High School accreditation work, all as more fully set forth in the report prepared by New England Association of Schools & Colleges, Inc.'s Commission on Public Schools, dated September 15, 2021, as amended from time to time, including, but not limited to, updates, renovations and code compliance improvements to science laboratories, nurse suite, and bathrooms, and HVAC equipment & duct evaluation and related renovation and improvements, supply and condensate pipe abatement & evaluation and related renovation and improvements; (ii) ADA compliance work at Hayestown Avenue Elementary School, including, but not limited to, the installation of a new elevator and other related work at the school; (iii) improvements to ADA accessible routes to the stadium bleachers at Danbury High School; (iv) the repair and replacement of the King Street Primary School roof; and (v) the creation and/or modification of classroom space to accommodate districtwide overcrowding; and the related engineering, architect, permitting, advisory, technical support services, construction administration services, and governmental fees and expenses and printing, legal and financing costs related thereto.

43,900,000

Total

\$207,900,000

Section 2. To meet said appropriation:

(a) Appropriation and bond authorization in the sum of \$6,600,000 is hereby transferred to the portion of the Projects set forth in Section 1(B) above, from an ordinance approved by the City Council on May 5, 2020 and entitled "An Ordinance Appropriating \$23,300,000 For Various Capital Improvements To Schools Within The City And Authorizing The Issuance Of \$23,300,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose," as amended from time to time and otherwise referred to as the "SNAPP 2020 School Ordinance;" thereby decreasing the amounts available for the remainder of the projects authorized by the SNAPP 2020 School Ordinance from \$20,900,000 to \$14,300,000.

(b) Appropriation and bond authorization in the sum of \$1,400,000 is hereby transferred to the portion of the Projects set forth in Section 1(B) above, from an ordinance approved by the City Council on April 19, 2021 and entitled "An Ordinance Appropriating \$99,000,000 For The Purchase Of Real Property Including Common Interest Community Units And Development Rights For And The Planning, Design, Acquisition, Construction, Equipping And Furnishing Of A New Grades 6-12 Danbury Career Academy School And

Authorizing The Issuance Of \$99,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and otherwise referred to as the "Danbury Career Academy Ordinance;" which included a transferred allocation, in the sum of \$2,400,000, from the SNAPP 2020 School Ordinance; thereby decreasing the amount of transferred allocation from the SNAPP 2020 School Ordinance, in the Danbury Career Academy Ordinance, from \$2,400,000 to \$1,000,000.

(c) \$199,900,000 additional bonds of the City or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the Projects determined after considering, as applicable, the estimated amount of State and Federal grants-in-aid of the Projects, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the registrar, certifying agent, transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Mayor and the Director of Finance, in accordance with the Connecticut General Statutes.

Section 3. The bonds shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Mayor, the City Treasurer and the Director of Finance.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the Mayor, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the Connecticut General Statutes. The notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Projects. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and

the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose

Section 5. The appropriation in Section 1 may be expended, as determined by the Board of Education, through its Superintendent of Schools, and the City, through its Mayor, to meet the actual cost of any of the Projects, and the balance of any of the estimated amounts not needed to meet the cost of any of the Projects or the proceeds of any bonds not needed to meet the cost of the Projects, may be transferred by the Mayor and the Director of Finance to meet the actual cost of any of the other Projects.

Section 6. The Mayor or his designee is hereby authorized in the name and on behalf of the City to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Projects and is further authorized to expend said funds in accordance with the terms hereof and, in connection with the Project, to contract in the name of the City with engineers, contractors and others.

Section 7. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this ordinance in the maximum amount and for the Projects with the proceeds of bonds, bond anticipation notes, or other obligations ("Tax-Exempt Obligations") authorized to be issued by the City. The Tax-Exempt Obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Projects, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay expenses of the Projects in accordance herewith pending the issuance of Tax-Exempt Obligations, and to amend this declaration.

Section 8. The Director of Finance is hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 9. The Mayor and the Director of Finance, or either of them, are hereby authorized, in the name and on behalf of the City, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this ordinance.

Section 10. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose pursuant to the Charter of the City of Danbury.